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Attorneys for Defendants and Cross-Defendants, Tetra Tech Tesoro, Inc.  
and Safeco Insurance of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

U. S. *ex rel.* McD CORPORATION,  
  
Plaintiff,  
  
vs.  
  
BUTTE STEEL & FABRICATION, INC.,  
*et al.*,  
  
Defendants.

Case No.: 3:12-CV-03638-EDL  
  
**STIPULATION TO CONTINUE  
HEARING DATE AND ~~PROPOSED~~  
ORDER**

**Civil L.R. 6-2 and 7-12**

BUTTE STEEL & FABRICATION, INC., a  
California Corporation,  
  
Cross-Claimant,  
  
v.  
  
TETRA TECH TESORO, a Virginia  
Corporation and SAFECO INSURANCE OF  
AMERICA, a Washington Corporation,  
  
Cross-Defendants.

Pursuant to Civil Local Rules 6-2 and 7-12, Defendants/Cross-Defendants Tetra Tech  
Tesoro, Inc. ("Tesoro") and Safeco Insurance of America ("Safeco"), Defendant/Cross-Claimant  
Butte Steel & Fabrication, Inc. ("Butte Steel"), and Use Plaintiff U.S. *ex rel.* McD Corporation  
("McD"), by and through their respective attorneys of record, hereby stipulate and agree to a

thirty -five (35) day continuance of the hearing date for Tesoro/Safeco's Motion to Dismiss Butte Steel's Crossclaim and Motion to Strike Butte Steel's Answer and Crossclaim as follows:

RECITALS

1. McD filed its complaint on or about July 12, 2012.

2. Butte Steel filed an answer to the complaint and a crossclaim against Tesoro and Safeco on October 5, 2012.

3. Tesoro and Safeco filed a Motion to Dismiss Butte Steel's Crossclaim and a Motion to Strike Butte Steel's Answer and Crossclaim on October 29, 2012. These two motions are currently set for hearing on December 4, 2012.

4. At the initial Case Management Conference held on October 16, 2012, Magistrate Judge Laporte referred this case to Magistrate Judge Jacqueline Scott Corley for Settlement Conference to be scheduled within ninety (90) days.

5. All counsel participated in an initial ADR telephone conference call with Magistrate Judge Corley on October 29, 2012, and a second follow-up ADR telephone conference call with Judge Corley on November 16, 2012.

6. During the November 16, 2012 ADR telephone conference call, all parties agreed to resolve any outstanding issues related to the dismissal of McD's claims against Butte Steel based upon Tesoro's settlement with McD by Wednesday, November 21, 2012.

7. Additionally, principal representatives of Butte Steel and Tesoro have agreed to meet on November 28, 2012 to discuss disputed issues and documents, in conjunction with and as a part of Judge Corley's ongoing ADR settlement conference in this case, to further settlement negotiations in this case.

8. Magistrate Judge Corley has scheduled a follow up ADR telephone conference on December 3, 2012 to evaluate the status of settlement discussions and progress following the meeting between the principals of Butte Steel and Tesoro, and to schedule an ADR Settlement Conference.

9. Tesoro/Safeco's Motion to Strike and Motion to Dismiss are currently set for hearing on December 4, 2012.



2. Defendants/Cross-Defendants Tesoro and Safeco's reply briefs for its Motion to Dismiss Butte Steel's Crossclaim and Motion to Strike Butte Steel's Answer and Crossclaim shall be filed and served fourteen (14) days before the date set for the hearing on these Motions.

Dated: November 19, 2012

VANDEVENTER BLACK LLP

By: /s/ Marie E. Colmey

Marie E. Colmey

Attorneys for Defendants/Cross-Defendants Tetra  
Tech Tesoro, Inc. and Safeco Insurance of America

Dated: November 21, 2012

LAW OFFICE OF DAVID J. MURRAY

By: /s/ David J. Murray

David J. Murray

Attorneys for Defendant/Cross-Claimant Butte Steel  
& Fabrication, Inc.

Dated: November 21, 2012

LAW OFFICE OF DOUGLAS R. THORN

By: /s/ Douglas R. Thorn

Douglas R. Thorn

Attorneys for Defendant/Crossclaimant Butte Steel  
& Fabrication, Inc.

Dated: November 21, 2012

LUBKA WHITE

By: /s/ Laurence P. Lubka

Laurence P. Lubka

Attorneys for Use Plaintiff U.S. *ex rel.*  
McD Corporation

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: November 21, 2012

UNITED STATES MAGISTRATE JUDGE  
ELIZABETH D. LAPORTE

By: 

Elizabeth D. Laporte